

**THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

In re:

Chapter 13

NICHOLAUS SWEATT,

Case No. 24-10787-cjf

Debtor.

**OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN**

Yvonne K. Edmunds (“Creditor”), through her attorney, J. David Krekeler of Krekeler Law, S.C., hereby objects to the confirmation of Nicholaus Sweatt’s (“Debtor’s”) Chapter 13 plan, and in support thereof, allege as follows:

1. The Debtor filed his Chapter 13 petition on April 22, 2024. The Debtor is “below-median” debtor according to his Schedule 122-C.
2. The Creditor is an unsecured creditor of the Debtor.
3. The Debtor’s Chapter 13 plan does not comply with the provisions of Chapter 13 of the Bankruptcy Code (the “Code”), in that:
 - a. The Debtor’s Chapter 13 plan does not comply with the provisions of 11 U.S.C. § 1325 as required under 11 U.S.C. § 1325(a)(1).
 - b. The Debtor’s Chapter 13 plan has not been proposed in good faith as required under 11 U.S.C. § 1325(a)(3).
 - c. The Debtor’s plan does not provide for the Debtor’s unsecured creditors with the value, as of the effective date of the plan, of property equal to what each allowed unsecured claim would have otherwise received if this case were a case under Chapter 7 of the Code, as required under 11 U.S.C. § 1325(a)(4). The Debtor’s bankruptcy schedules misstate the current value of the property based on its use of

Zillow and relies on a dated sale amount as the basis for its valuation.

Furthermore, the Debtor grossly underestimates the value of the Debtor's primary residence, with the home's value ranging closer to between \$700,000.00 and \$900,000.00 per Homes.com, Redfin.com, and Realtor.com before deducting for cost of sale.

- d. The filing of the Debtor's petition was not in good faith as required under 11 U.S.C. § 1325(a)(7). The Debtor has minimal creditors and the purpose of the filing of the Debtor's petition was to avoid and further delay litigation with the Creditor.

WHEREFORE, counsel for the Creditor requests a hearing, that the Court deny confirmation of the Debtor's Chapter 13 plan or require modification of the plan to increase the payments to unsecured creditors, and for other just and equitable relief that the Court deems fair and appropriate.

Dated this 19th day of June 2024.

RESPECTFULLY SUBMITTED:

By:

Noe J. Rincon
State Bar No. 1124893
Attorney for the Creditor,
Yvonne K. Edmunds

KREKELER LAW, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711
(608) 258-8555
(608) 663-0287 (fax)

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

NICHOLAUS SWEATT

Case No. 24-10787-cjf

Debtor.

AFFIDAVIT OF MAILING

The undersigned, being first duly sworn on oath, deposes and says that on June 19, 2024, the Objection to Confirmation of Chapter 13 Plan was electronically filed with the Clerk of Court and served upon the United States Trustee, the Debtor's attorney, and any other person designated by the Court using the ECF system.

The undersigned, being first duly sworn on oath, deposes and says that on June 19, 2024, the undersigned mailed, properly enclosed in a postpaid envelope, a copy of the Objection to Confirmation of Chapter 13 Plan to all on the attached matrix.

By: Genesis McCarthy
Genesis McCarthy

Subscribed and sworn to before me
on June 19, 2024.

Jan L. Ciha
Jan L. Ciha
Notary Public, State of Wisconsin
My commission expires: 06/19/2027



Label Matrix for local noticing

0758-3

Case 3-24-10787-cjf

Western District of Wisconsin www.wiwb.uscourts.gov

Madison

Wed Jun 19 12:55:53 CDT 2024

Citibank

Citicorp Cr Svcs/Centralized Bankruptcy

Po Box 790040

St Louis, MO 63179-0040

Bank of America

Attn: Bankruptcy

4909 Savarese Circle

Tampa, FL 33634-2413

Capital One/Menards

Attn: Bankruptcy

Po Box 30285

Salt Lake City, UT 84130-0285

(p)MARK HARRING

ATTN STANDING TRUSTEE

122 WEST WASHINGTON AVENUE SUITE 500

MADISON WI 53703-2758

IRS - Centralized Insolvency Operations

P.O. Box 7346

Philadelphia, PA 19101-7346

Internal Revenue Service

Centralized Insolvency Operations

PO Box 7346

Philadelphia, PA 19101-7346

J. David Krekeler

Krekeler Law, S.C.

26 Schroeder Court, Ste 300

Madison, WI 53711-2503

Wade M. Pittman

Pittman & Pittman Law Offices, LLC

702 N Blackhawk Ave, STE 101

Madison, WI 53705-3357

Kimberly P. Sebranek

Laffey, Sebranek, Auby & Ristau, S.C.

16 N Carroll St

Ste 500

Madison, WI 53703-2773

Secretary of Treasury

Treasury Department

1500 Pennsylvania Avenue N.W.

Washington, DC 20220-0001

Securities and Exchange Commission

175 West Jackson Boulevard

Suite 900

Chicago, IL 60604-2908

Kristin J. Sederholm

Krekeler Law, S.C.

26 Schroeder Court, Suite 300

Madison, WI 53711-2503

Summit Credit Union

Attn: Bankruptcy

1709 Landmark Dr

Cottage Grove, WI 53527-8957

Kimberly Sweatt

5102 Tonyawatha Trail

Monona, WI 53716-2978

Nicholaus Sweatt

5102 Tonyawatha Trail

Monona, WI 53716-2978

U.S. Trustee's Office

780 Regent Street, Suite 304

Madison, WI 53715-2635

Wisconsin Department of Revenue

Special Procedures Unit

P.O. Box 8901

Madison, WI 53708-8901

Yvonne Edmunds

7691 Fish Lawk Road

Sauk City, WI 53583-9534

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Mark Herring

122 West Washington Ave.

Suite 500

Madison, WI 53703-2578

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Summit Credit Union

End of Label Matrix	
Mailable recipients	19
Bypassed recipients	1
Total	20